

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

ERIN K. O'CONNOR, R.N.
License # 26NR15037200

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Erin K. O'Connor ("Respondent") is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 13, 2012, respondent was arrested in Cherry Hill and charged with shoplifting from a Walmart store. She admitted to attempting to take six cases of Redbull from the store, without paying for them, in order to sell them and obtain money for drugs, because of her addiction. The charges were downgraded and she was convicted of disturbing the peace.
3. On or about December 14, 2012, respondent was arrested in Deptford Township and charged with theft by deception. The offense involved seeking to obtain money by "returning" merchandise she had never actually purchased to a store,

Boscov's. Respondent admitted that she engaged in this conduct in order to obtain money to buy drugs. On or about May 8, 2013, respondent was convicted of theft by deception in violation of N.J.S.A. 2C:20-4.

4. On November 26, 2013, respondent was arrested in Lawnside and charged with shoplifting. The charges were dismissed on January 2, 2014.

CONCLUSIONS OF LAW

Respondent's conviction of theft by deception, and other conduct constituting a crime or offense relating adversely to the practice of nursing, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(f). Theft by deception and taking merchandise from a store without paying are adverse to the practice of nursing in that nurses care for vulnerable populations who may not be able to safeguard their belongings.

Respondent's conviction and conduct erode the public's trust in nurses.

Respondent's explanation of the motivation behind her convictions, admitting addiction to drugs, both for disturbing the peace (the downgraded charge from her taking merchandise from a store without paying), and for theft by deception, as well as her subsequent arrest in November of 2013 on charges of shoplifting, provide a reasonable basis for ordering respondent, as a condition for continued licensure, to undergo evaluation and monitoring with respect to impairment in order to evaluate whether continued practice may jeopardize the safety and welfare of the public, pursuant to N.J.S.A. 45:1-22(f).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand and an evaluation by the Board designated intervention

program, the Recovery and Monitoring Program (RAMP) was entered on September 3, 2014. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing documentation as to her past and present dedication and commitment to recovery. She maintains that her required participation in RAMP would be redundant. To the contrary, as the Board's designated intervention program, geared specifically towards nurses, the Board looks to RAMP for assistance and advice in making impairment related determinations. RAMP is designed to provide oversight of licensee nurses during the period that the licensee seeks treatment for, and follows a plan for recovery from, a dependency or impairment.

Regarding her conviction and criminal activity, respondent maintains that the Board already addressed same and that she should not be reprimanded. Another Provisional Order of Discipline and Final Order of Discipline had been entered previously based upon respondent's failure to cooperate with a Board investigation about her arrests. The Final Order of Discipline, which was filed on January 14, 2014, stated that "nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of the inquiry." The Board is now taking action

on the underlying conduct. As the Board recognizes that respondent's conviction and criminal conduct was the result of addiction, which is a disease, the Board already exercised leniency and determined to only issue a reprimand.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the findings of fact or conclusions of law. Respondent is recovering from addiction and requires monitoring and evaluation by the Board's designated intervention program as a condition for continued licensure. Respondent was convicted of a crime and also engaged in acts constituting a crime, all of which are adverse to the practice of nursing. For that, a reprimand at least, is warranted.

ACCORDINGLY, IT IS on this 29 day of January, 2015,

ORDERED that:

1. A public reprimand is hereby imposed upon respondent pursuant to N.J.S.A. 45:1-21(f).
2. Respondent shall, within 30 days of the filing of this Final Order of Discipline, enroll in the Recovery and Monitoring Program of New Jersey (RAMP) for a minimum of three months, in order to undergo a comprehensive mental health and substance abuse evaluation and monitoring. The results of such evaluation and monitoring shall be forwarded to the Board. By undergoing evaluation, respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in

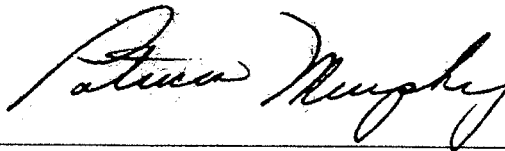
any proceedings.

Respondent shall comply with RAMP program requirements, and any recommendations for further treatment. Respondent shall remain in RAMP until she is released from the program upon successful completion of the program. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, respondent.

3. Failure to abide by this Order will be deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4 and may result in the initiation of proceedings to suspend respondent's nursing license.

NEW JERSEY STATE BOARD OF NURSING

By:

A handwritten signature in black ink, appearing to read "Patricia Ann Murphy", written over a horizontal line.

Patricia Ann Murphy, PhD, APN
Board President